

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CAYUGA-----X
PAMELA O'GRADY,

Plaintiff,

-against-

AUBURN ENLARGED CITY SCHOOL DISTRICT,
AUBURN BOARD OF EDUCATION,
JOHN AND JANE DOE 1-30, teachers, supervisors,
employees, in their official and individual capacities,
whose identities are presently unknown to Plaintiff,Defendants.
-----X

Index No.

Date Purchased:

Plaintiff designates


CAYUGA


County as the place of trial.

The basis of the venue
is Defendants' place of
business.SUMMONS

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
October 3, 2019

MICHAEL G. DOWD
Attorney for Plaintiff
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF CAYUGA

-----X
PAMELA O'GRADY,

Plaintiff,

Index No.

Date Filed:

-against-

VERIFIED COMPLAINT

AUBURN ENLARGED CITY SCHOOL DISTRICT,
AUBURN BOARD OF EDUCATION,
JOHN AND JANE DOE 1-30, teachers, supervisors,
employees, in their official and individual capacities,
whose identities are presently unknown to Plaintiff,

Defendants.

-----X
Plaintiff, Pamela O'Grady, by her attorneys, Michael G. Dowd and Laura A. Ahearn,
complaining of Defendants, hereby alleges the following:

JURISDICTION AND VENUE

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Cayuga County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in Cayuga County.

AS AND FOR A FIRST CAUSE OF ACTION:**NEGLIGENT SUPERVISION**

4. The Plaintiff, Pamela O'Grady (hereinafter "Plaintiff") was born on June 27, 1963. She is a resident of the State of Colorado.
5. Plaintiff attended Auburn High School from 1977 through 1981.
6. Defendant AUBURN ENLARGED CITY SCHOOL DISTRICT (hereinafter "AECSD") is at all material times a public school district existing under the laws of the State of New York.
7. Defendant AUBURN BOARD OF EDUCATION (hereinafter "ABOE") is at all material times a board of education existing under the laws of the State of New York.
8. Auburn High School (hereinafter "AHS") is at all material times a public school existing in Cayuga County, New York. AHS is a public school for grades nine through twelve. AHS is a high school located at 250 Lake Avenue Auburn, New York 13021 and a part of AECSD.
9. Defendants JOHN AND JANE DOE 1-30, whose names are presently unknown, were members of the ABOE during all material times herein. Upon information and belief, the ABOE is responsible for the operation of AECSD schools, including hiring of administrators.
10. Defendant ABOE, AECSD and JOHN AND JANE DOE 1-30 will be referred to collectively as "Defendants."
11. Upon information and belief, Thomas Camp (hereinafter "Camp") was hired by Defendants as a teacher and band director at AHS. Upon information and belief,

Camp remained an employee of AHS and Defendants through June of 1980.

12. Upon information and belief, when Camp met Plaintiff in or around the summer of 1977, he was an employee and agent of Defendants acting within the course and scope of his authority as an AECSD teacher. Camp continued acting as an employee and agent of Defendants through the period when Camp sexually abused Plaintiff as a student at AHS.
13. Commencing in around, 1977, Camp began a process of grooming Plaintiff with the goal of sexually abusing her.
14. The grooming included but was not limited to Camp giving Plaintiff special attention, buying her and her family gifts, food for her nearly every day, and giving her rides home from band practice.
15. The above-mentioned grooming behavior occurred on Defendants' property and in the presence of or within the observation of ABOE and AECSD teachers, employees and administrators.
16. At all material times, Plaintiff was aware of no ABOE or AECSD rules or regulations or policies concerning or addressing sexual abuse and/or sexual misconduct of ABOE/AECSD students, such as Plaintiff, by employees and teachers such as Camp.
17. During all material times, Plaintiff received no training or information in any form, including but not limited to, classroom instruction or oral presentation, or through written document on how to deal with sexual misconduct, sexual abuse, sexual boundary violations behavior by AABOE and ECSD employees on students like herself.

18. Camp's sexual abuse of Plaintiff began in or around 1978 and continued through her high school graduation in 1981. Due to the position and control that Camp exercised over Plaintiff, the abuse continued through 1983. The sexual abuse included but was not limited to Camp fondling Plaintiff's genitals, touching her about her naked body, oral copulation, and sexual intercourse. The instances of abuse occurred on the AHS campus in the band office, the band room, and the auditorium; on ABOE/AECSD school buses while traveling for band-related events; in Camp's vehicle; in Camp's home; in Camp's boat; in Plaintiff's family home; in a motel near the Oswego area LOCATION; and at Camp's brother's home in Ohio when they traveled for an AHS band-related trip. Plaintiff reasonably estimates Camp sexually abused her at least 630 occasions between 1978 and his termination from AHS in June of 1980. Further, Plaintiff estimates Camp sexually abused her on an additional 350 occasions between his termination in June of 1980 and her graduation from AHS in 1981.
19. Upon information and belief, in June of 1980, after an extended period of time in which they knew or should have known about Camp's grooming and sexual abuse of Plaintiff, two AHS administrators observed and confronted Camp and Plaintiff together. Soon thereafter, Defendants terminated Camp from his teaching position.
20. Upon information and belief, at no time did any of the Defendants or their agents report Camp to lawful civil authorities as was their legally mandated duty under New York State law.

21. Upon information and belief, during all material times herein, when Plaintiff was enrolled in school and communicating and otherwise interacting with Camp, she was entrusted by her parents to the care of Defendants and during such periods the Defendants were acting in the capacity of *in loco parentis* because Defendants assumed custody and control over her as a minor child and as a student at the school.
22. Upon information and belief, Camp used his position of trust and authority vested in him by the Defendants for the purpose of sexually abusing Plaintiff.
23. Upon information and belief, the sexual abuse of Plaintiff by Camp was foreseeable.
24. Upon information and belief, at all material times, Defendants had the duty to exercise the same degree of care and supervision over the students, including Plaintiff, under their control as a reasonably prudent parent would have exercised under the same circumstances. This means that Defendants assumed a duty of care to protect the safety and welfare of Plaintiff as a student at AHS. At all material times, Defendants owed a duty to Plaintiff to provide a safe and nurturing educational environment, where she would be protected from employees like Camp who were under the employment and control of the Defendants.
25. Upon information and belief, during Camp's employment by ABOE/AECSD and while Plaintiff was a student in ABOE/AECSD's care, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

26. During all material times, Defendants owed a special duty to Plaintiff that required Defendants to take reasonable steps to anticipate such behavior from its employees, like Camp, which threatened the safety of students including Plaintiff.
27. At all material times, Defendants had a duty to properly supervise Camp as their employee and because of their duty of care to Plaintiff.
28. At all material times, Plaintiff reposed her trust and confidence as a student and minor child in Defendants, who occupied a superior position of influence and authority over Plaintiff to provide Plaintiff with a safe and secure educational environment.
29. Upon information and belief, at all material times, Defendants knew or should have known of Camp's propensity to sexually abuse minor students.
30. Upon information and belief, the Defendants negligently failed to adequately implement a reasonable or effective supervisory system, plan, protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual and/or abusive contact of students by Defendants' employees.
31. Upon information and belief, the failure to supervise, includes but is not limited to, failure to supervise Camp during instructional time and non-instructional time when he associated with students and the failure to adequately supervise students during non-instructional time on AHS' campus.
32. Upon information and belief, the injury to Plaintiff resulted from Defendants' failure to provide Plaintiff the supervision of a parent of ordinary prudence under the same circumstances.

33. Upon information and belief, the injuries to Plaintiff were a foreseeable consequence of Defendants' negligent failure to supervise Camp and Plaintiff. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of the Defendants, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of Camp as it related to Plaintiff.
34. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiff by Camp.
35. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.
36. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
37. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
38. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION:**NEGLIGENT RETENTION**

39. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
40. Upon information and belief, as more fully alleged above, Defendants' duty of care to Plaintiff included a duty not to retain an employee like Camp who would use his position of authority and influence to harm students such as Plaintiff.
41. Upon information and belief, Defendants knew or should have known that Camp was grooming Plaintiff for the purpose of sexually abusing her and failed to take any steps to stop the abuse or prevent harm to Plaintiff.
42. Upon information and belief, Defendants knew or should have known that Camp was sexually abusing Plaintiff and/or knew or should have known of his propensity to sexually abuse minor students with whom he came in contact.
43. When Plaintiff was in their care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
44. Defendants were wanton, reckless, officially tolerant and deliberately indifferent to abuse of Plaintiff by Camp.
45. Defendants are liable to Plaintiff as a result of their recklessness, official tolerance and deliberate indifference to the harm caused to Plaintiff by Camp.
46. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and

employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.

47. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
48. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7).
49. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION:

**NEGLIGENT FAILURE TO TRAIN TEACHERS AND ADMINISTRATORS RELATED
TO SEXUAL ABUSE AND TRAIN STUDENTS RELATING TO SEXUAL ABUSE**

50. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
51. Upon information and belief, Defendants, their agents, servants and employees owed a duty of care to Plaintiff as more fully alleged above. That duty included the duty to train and educate employees and administrators, to establish adequate and effective policies and procedures calculated to detect, prevent and address inappropriate employee behavior and conduct including employee-student

boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees for the purpose of preventing the sexual abuse of students like Plaintiff.

52. Upon information and belief, Defendants did not establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect, prevent and address the problem of the inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees.
53. Upon information and belief, in failing to establish such training and education programs, policies and procedures for employees and administrators, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
54. Upon information and belief, Defendants had a duty to train and educate students, including Plaintiff, on inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees and to establish effective policies and procedures to address said problems.
55. Upon information and belief, Defendants did not train and educate Plaintiff on the problem of inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees and did not establish effective policies and procedures to address said problems.

56. Upon information and belief, in failing to establish such training and education programs, policies and procedures for students like Plaintiff, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
57. Upon information and belief, Defendants are liable to Plaintiff, as the result of their negligent failure to establish effective training and education programs, policies and procedures for their administrators, teachers and employees calculated to detect and prevent inappropriate employee behavior and conduct, including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees. Defendants are also liable to Plaintiff for their failure to train and educate Plaintiff as a student on the problem of inappropriate employee behavior and conduct including employee-student boundary violations, sexually inappropriate employee behavior and conduct, and the sexual abuse of students by employees and to establish effective policies and procedures to address said problems.
58. Defendants were wanton, reckless, officially tolerant and deliberately indifferent by their failure to develop such effective training and education programs, policies and procedures for employees, administrators and students.
59. Defendants, their agents, servants and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to establish adequate and effective professional training and education programs and procedures for their employees calculated to prevent abuse of youth.

60. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.
61. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
62. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
63. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION:

NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT

64. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
65. At all material times, as more fully set forth above, Defendants had the duty to exercise the same degree of care and supervision over the students under their control as a reasonably prudent parent would have exercised under similar

circumstances.

66. During all material times, Defendants owed a special duty to Plaintiff as a student. This special duty required Defendants to take reasonable steps to anticipate such threats from its employees like Camp which threatened the safety of Plaintiff.
67. Upon information and belief, by virtue of both their duty of care to Plaintiff and the positions of authority and influence they exercised over her, Defendants had a duty to Plaintiff to provide her a reasonably safe and secure environment at AHS.
68. Upon information and belief, Defendants failed to provide a reasonably safe environment to Plaintiff by failing to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
69. As a result, Defendants are liable to Plaintiff for their negligent failure to provide a reasonably safe and secure environment.
70. Upon information and belief Defendants were wanton, reckless, officially tolerant and deliberately indifferent by their failure to provide a reasonably safe and secure environment for Plaintiff as a student.
71. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.

72. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
73. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
74. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION:


FAILURE TO REPORT CHILD ABUSE

75. Plaintiff repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
76. Upon information and belief, Defendants had actual and/or implied knowledge of Camp's sexually abusive actions and knowingly and willfully failed to report and to prevent further abuse of Plaintiff pursuant to Section 413 of the Social Services Law.
77. Upon information and belief, in not reporting suspicions of Camp's sexually abusive behavior towards Plaintiff and other students, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.
78. Upon information and belief Defendants were wanton, reckless, officially tolerant and deliberately indifferent by their failure to report Camp to lawful civil authorities as is there legally mandated duty under NY State Law.

79. Defendants are jointly and severally liable to Plaintiff for damages as a result of this failure pursuant to Section 420 of the Social Services Law.
80. Defendants their agents, servants and employees were careless, reckless and grossly negligent in failing to report suspected child abuse by Camp.
81. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational and employment opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has become and will continue to be obligated to expend sums of money for medical expenses.
82. That by reason of the foregoing, Defendants are liable to Plaintiff for punitive and exemplary damages.
83. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
84. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
October 3, 2019



MICHAEL G. DOWD
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LAURA A. AHEARN
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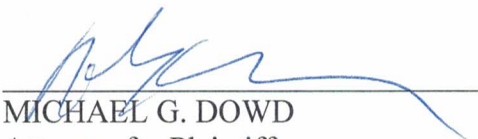
VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
October 3, 2019



MICHAEL G. DOWD
Attorney for Plaintiff
600 Third Avenue, 15th Floor
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